

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	
	)	CR. No. S-04-0104 DFL
Plaintiff,	)	
	)	ORDER
v.	)	
	)	
MARK STEVEN ERCKERT,	)	
	)	
Defendant.	)	
_____	)	

On October 24, 2006, this matter came before the Court for a hearing on the defendant's motion to suppress, based upon alleged errors and/or omissions in the affidavit submitted in support of a search warrant directed towards the defendant's home. The United States was represented by Assistant U.S. Attorney Philip Ferrari and the defendant was represented by Krista Hart, Esq.

At the hearing, both parties submitted the matter to the Court for consideration based upon the pleadings filed to date. The Court adopted the government's opposition and found that the alleged errors and omissions raised by the defendant's motion were not material to the issue of probable cause. Accordingly, the motion was DENIED. A copy of the portion of the transcript memorializing

1 that ruling and the findings it is based upon is attached to this  
2 Order as Exhibit A.

3  
4 **IT IS SO ORDERED.**

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6 Date: November 15, 2006

7  
8 /s/ David F. Levi  
9 DAVID F. LEVI  
10 CHIEF U.S. DISTRICT COURT JUDGE  
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